

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

SAMUEL STAMPING
TECHNOLOGIES, LLC

Plaintiff,

v.

THERMA-TRU CORP.

Defendant.

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Case No. 3:20-cv-01011

Judge Jeffrey J. Helmick

**DEFENDANT THERMA-TRU CORP.'S ANSWER
TO COMPLAINT AND COUNTERCLAIM**

Defendant Therma-Tru Corp. (“Therma-Tru”), though counsel, hereby answers the Complaint for Design Patent Infringement filed by Plaintiff Samuel Stamping Technologies, LLC (“SST”) on May 8, 2020. ECF No. 1. Unless stated otherwise, all paragraph references herein refer to the numbered paragraphs in the Complaint. All allegations of the Complaint not expressly herein are denied.

Nature of the Action

1. Therma-Tru admits that the Complaint purports to be an action for design patent infringement under the patent laws of the United States, Title 35, United States Code, but denies any wrongdoing or liability, and further denies any other factual allegations of paragraph 1 of the Complaint.

Parties

2. Therma-Tru is without knowledge or information sufficient to form a

belief as to the truth or falsity of the allegations of paragraph 2 of the Complaint and therefore denies same.

3. Admitted.

Jurisdiction and Venue

4. Therma-Tru admits that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 but denies any wrongdoing or liability.

5. Therma-Tru admits that this Court has personal jurisdiction but denies any wrongdoing or liability.

6. Therma-Tru admits that venue is proper in this district pursuant to 28 U.S.C. §§ 1400(b) but denies any wrongdoing or liability.

SST and Its Door Skin Design Patents

7. Therma-Tru admits that generally speaking, door skins are thin layers of material such as steel or fiberglass that can be attached to the front and/or back of a door. Therma-Tru further admits that SST has sold door skins to it. Therma-Tru denies that SST has any valid and/or enforceable door skin design patents and is without knowledge or information sufficient to form a belief as to the truth or falsity of the other allegations of paragraph 7 of the Complaint and therefore denies same.

8. Denied.

Defendant's Alleged Infringement of the SST Design Patents

9. Therma-Tru denies that SST has any valid and/or enforceable door skin design patents and is without knowledge or information sufficient to form a belief as

to the truth or falsity of the other allegations of paragraph 9 of the Complaint and therefore denies same.

10. Therma-Tru denies that SST has any valid and/or enforceable door skin design patents and is without knowledge or information sufficient to form a belief as to the truth or falsity of the other allegations of paragraph 10 of the Complaint and therefore denies same.

11. Therma-Tru admits that it received a letter from SST on or about August 22, 2019 but denies that this letter mentioned U.S. Patent No. D557,427 (“the ’427 Patent”), U.S. Patent No. D625,023 (“the ’023 Patent”), or U.S. Patent No. D635,276 (“the ’276 Patent”), denies that SST has any valid and/or enforceable door skin design patents, and denies any wrongdoing or liability.

Count I: Alleged Infringement of US Design Patent No. D557,427
(35 U.S.C. § 271(a))

12. Therma-Tru incorporates herein by reference its responses to paragraphs 1 – 11 of the Complaint.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

Count II: Alleged Infringement of US Design Patent No. D625,023
(35 U.S.C. § 271(a))

20. Therma-Tru incorporates herein by reference its responses to paragraphs
1 – 11 of the Complaint.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

Count III: Alleged Infringement of US Design Patent No. D635,276
(35 U.S.C. § 271(a))

28. Therma-Tru incorporates herein by reference its responses to paragraphs
1 – 11 of the Complaint.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

The Complaint's Prayer for Relief

To the extent the Prayer for Relief of the Complaint is deemed to contain any allegations, Therma-Tru denies each such allegation. Therma-Tru further denies that SST is entitled to any of the relief requested in Prayer for Relief.

THERMA-TRU'S DEFENSES

By and for its affirmative defenses, Therma-Tru alleges and states:

FIRST AFFIRMATIVE DEFENSE

36. Therma-Tru has not infringed and is not infringing any valid and enforceable claim of the '427 Patent, the '023 Patent, and the '276 Patent and/or, upon information and belief, the '427 Patent, the '023 Patent, and the '276 Patent are invalid for failure to satisfy one or more conditions of patentability set forth in Title 35 of United States Code, including, but not necessarily limited to, 35 U.S.C. §§ 102, 103, and/or 112.

SECOND AFFIRMATIVE DEFENSE

37. Therma-Tru has not infringed and is not infringing the '427 Patent, the '023 Patent, and the '276 Patent because they are so limited by the prior art, as they are shown and described, and/or by representations made to the United States Patent and Trademark Office during prosecution, that any activity by Therma-Tru, if any, would be outside the scope of any such claims.

THIRD AFFIRMATIVE DEFENSE

38. Therma-Tru reserves its right to assert any rely upon additional affirmative defenses that may be identified through the course of this action.

COUNTERCLAIM

**DECLARATORY JUDGMENT OF INVALIDITY AND/OR
NON-INFRINGEMENT**

39. Therma-Tru realleges paragraphs 1 – 38, which are hereby incorporated by reference.

40. This counterclaim is for a Declaratory Judgment declaring that the '427 Patent, the '023 Patent, and the '276 Patent are invalid and/or not infringed by Therma-Tru, arising under the patent laws of the United States, 35 U.S.C. § 1, et seq., and the Federal Declaratory Judgment Act, 28 U.S.C. § 2201, et seq.

41. Jurisdiction of this Court over this Counterclaim is based upon 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202, and upon Rule 13 of the Federal Rules of Civil Procedure.

42. Venue in this Court is proper pursuant to 28 U.S.C. § 1391, and by virtue of SST having brought suit against Therma-Tru and thus submitting it to the personal jurisdiction of this Court.

43. SST claims to be the owner of the '427 Patent, the '023 Patent, and the '276 Patent and has brought suit against Therma-Tru for alleged infringement of those patents.

44. An actual case or controversy exists between SST and Therma-Tru based upon SST having filed the Complaint against Therma-Tru.

45. Therma-Tru has not infringed the '427 Patent, the '023 Patent, and the '276 Patent.

46. Upon information and belief, the '427 Patent, the '023 Patent, and the '276 Patent are invalid for failure to comply with the conditions and requirements for patentability specified in Title 35 U.S.C., including, but not limited to, 35 U.S.C. §§ 102, 103, and/or 112.

47. Therma-Tru has been injured and damaged by Therma-Tru's filing of the Complaint in the present case asserting patents that are invalid and/or not infringed.

RELIEF REQUESTED BY THERMA-TRU

WHEREFORE, Therma-Tru respectfully requests the following relief:

1. A judgment in favor of Therma-Tru denying SST all relief request in this action and dismissing SST's Complaint for patent infringement with prejudice;

2. A judgment finding and decree stating that Therma-Tru has not infringed and is not infringing the '427 Patent, the '023 Patent, and the '276 Patent and/or that these patents are invalid;

3. A judgment finding this to be an exceptional case under 35 U.S.C. § 285 and awarding Therma-Tru its costs, expenses, and reasonable attorneys' fees; and

4. That the Court award Therma-Tru such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

In accordance with FED. R. CIV. P. 38(b), Therma-Tru demands trial by jury on all issues so triable.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Date: April 14, 2022

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Counterclaimant Therma-Tru Corp.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served on all parties of record through the Court's electronic filing system.

Date: April 14, 2022

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